

OCT 13 2005

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## FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Examiner Laura C. Cole	Alexandra B. Urban
COMPANY:	DATE:
United States Patent & Trademark Office	October 13, 2005
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
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(571) 272-1272	25934.000 (1067-001)
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Response to Office Action	10/634,445

URGENT    FOR REVIEW    PLEASE COMMENT    PLEASE REPLY    PLEASE RECYCL.R

## NOTES/COMMENTS:

We are forwarding herewith: Facsimile Transmittal Cover Sheet and Response to Election of Species Requirement in the application of Betty Birnbaum for MULTI-FUNCTIONAL HAND-HELD TOOL, Serial No. 10/634,445 filed August 5, 2003; in Group 1744.

Respectfully submitted,

*Alexandra B. Urban*

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I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office, on October 13, 2005.

ALEXANDRA B. URBAN

*Alexandra B. Urban*

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PATENT  
25934.000 (1067-001)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Betty Birnbaum  
 Serial No. : 10/634,445  
 For : MULTI-FUNCTIONAL HAND-HELD TOOL  
 Filed : August 5, 2003  
 Examiner : Laura C. Cole  
 Art Unit : 1744

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

This paper is being filed in response to the Office Action mailed in the above-identified application on September 16, 2005. Claims 1-22 are pending.

The Examiner has required applicant under 35 U.S.C. § 121 to elect a single disclosed species of the claimed invention for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Examiner has identified four distinct species of the invention, the first depicted in FIGS. 1-6, the second depicted in FIGS. 7-8, the third depicted in FIGS. 9-10 and the fourth depicted in FIGS. 11-12.

In response to the election of species requirement, applicant provisionally elects, without traverse, the first species, directed to the tool as shown in FIGS. 1-6, upon which claims 1-7 are readable, for further prosecution on the merits. As acknowledged by the

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Examiner, claim 1 is currently generic. Should the generic claim be held to be allowable, applicant submits that claims 2-7, as well as claims 8-22, which are directed to the non-elected species, are also allowable.

Dated: October 13, 2005

Respectfully submitted,

*Alexandra B. Urban*

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